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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the Society for Endangered Peoples, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 February 1994]

Human rights violations of the Republic of Croatia against the civilian population and the territorial integrity of the Republic of Bosnia and Herzegovina

1. The Society for Endangered Peoples requests the United Nations Human Rights Commission to:

(a) Deal with the Croatian human rights violations against the Republic of Bosnia and Herzegovina;

(b) Examine the Croatian violations against the Fourth Geneva Convention of 12 August 1949, the Convention on the Prevention and Punishment of the Crime of Genocide and the Hague Convention concerning the Laws and Customs of War on Land with regard to the information provided by the Society for Endangered Peoples;

(c) Influence Croatia with the means available to the Commission to prevent further violations of the conventions;

(d) Recommend to United Nations institutions and States Members of the United Nations to employ suitable measurements (sanctions) against the irregular Croatian troops (HVO) and the Republic of Croatia to prevent further human rights violations on the territory of the Republic of Bosnia and Herzegovina.

2. According to the information of the Society for Endangered Peoples, the Republic of Croatia violates the territorial integrity of the United Nations Member State Bosnia and Herzegovina by employing regular Croatian troops (HV). According to Bosnian Government information, approximately 12,000 soldiers of the Republic of Croatia are fighting against Bosnia and Herzegovina with tanks and combat helicopters (according to the United States Secret Service this number is 10,000 and the number 5,000 was mentioned at the United Nations Security Council). Croatia supports the irregular Croatian troops (HVO) in Bosnia and Herzegovina which violate the territorial integrity of Bosnia and Herzegovina by continuous attacks in central Bosnia and by the unconstitutional establishment of the Croatian separatist State "Herzeg-Bosna" in May 1992. In January 1994, the Croatian Government announced the reinforcement of its regular troops, already stationed in Bosnia and Herzegovina, and an offensive war against Bosnia and Herzegovina. The open cooperation between the authorities of Croatia and that of "Herzeg-Bosna" was documented in the fifth report of the United Nations Special Rapporteur, Mr. Tadeusz Mazowiecki (E/CN.4/1994/47).

3. The Croatian violation of the territorial integrity of Bosnia and Herzegovina was prepared in the Karadjordjevo division agreement (March 1991) between Croatian President Franjo Tudjman and Serbian President Slobodan Milosevic; between the Croatian and Serbian politicians, Mate Boban and Radovan Karadzic, on 6 May 1992 in Graz; between the Croatian President, Franjo Tudjman and the Serbian-Montenegrian President, Dobrica Cosic, in September 1992 in Geneva and between the Serbian and Croatian delegations in December 1992 in Geneva.

4. Croatia and the Croatian satellite State "Herzeg-Bosna" are blocking the main supply routes from the Dalmatian coast to central Bosnia and less than 25 per cent of the aid needed can be brought into the main starvation regions of central Bosnia. (According to a UNHCR spokesperson, Alemka Lisinski, on 19 January 1994 in Zagreb, only 4,000 tons of aid are reaching central Bosnia instead of the absolute minimum of 18,000 tons.) Convoys over territory controlled by Croatia are hindered, food and aid supplies are confiscated and employees of international aid organizations are harassed by HVO troops. United Nations convoys are attacked, like the convoy with fuel for the Bakovici children's hospital on 30 January 1994. According to statements of employees of international relief agencies to the Society for Endangered Peoples, the HVO demands "duty" (15 per cent) for every load and defines arbitrarily which of the urgently needed aid is "humanitarian".

5. Croatia and the Croatian satellite State "Herzeg-Bosna" are therefore jointly responsible for the dramatic situation of the central Bosnian civilian population. According to information from the Bosnian Prime Minister, Haris Silajdzic, each inhabitant in the regions under the control of Bosnia and Herzegovina Government troops received on average 2.9 kg of aid (confirmed by UNHCR); in regions controlled by Serbia the amount was almost double

(4.31 kg) and in regions controlled by Croatia three times that amount (9.61 kg). In central Bosnian Tuzia, overcrowded with refugees, basic foodstuffs like flour, oil and sugar are scarce. Diseases like tuberculosis and hepatitis are spreading and in December 1993 the first people died of hunger. Since the previous summer, the people living in the Bosnian enclaves have lost on average 20 kg of body weight.

6. The blockade of aid by irregular Croatian troops (HVO) and Croatian troops (HV) is attempted genocide according to the definition contained in the Convention on the Prevention and Punishment of the Crime of Genocide (art. 11 (c)), according to which genocidal actions include the imposition of conditions of life on groups which are aimed to destroy the body completely or partly.

7. With the agreement of the Serbian-Montenegrian Government, the authorities of the separatist State "Herzeg-Bosna" have carried out (since April 1993), in cooperation with the Croatian authorities, deportations and mass expulsions of the civilian Muslim population from "Herzeg-Bosna" and the HVO-controlled regions into the starvation and war-torn regions of central Bosnia. Not only are the non-Croatian groups, mainly Muslims, affected but also Serbs and opposing Croats. The systematic expulsion of the civilian population from the HVO-controlled regions violates the Fourth Geneva Convention, article 49. In Capljina, Stolac and other regions of the territory controlled by Croatia, HVO troops carried out systematic deportations. In August 1993 alone, at least 20,000 people were expelled by HVO troops from western Herzegovina and driven over the front line. There are no grounds for the belief that the situation has improved as reported by the Special Rapporteur in his fifth report.

8. Croatian HVO troops have for months encircled approximately 55,000 mainly deported Muslims and refugees in the eastern part of Mostar and have cut off the delivery of humanitarian aid. Due to daily attacks they live in ruins and cellars. The eastern part of Mostar is shelled daily by HVO troops, and on 28 January 1994 three journalists from the Italian television station RAI were killed during a Croatian attack, together with seven Mostar people. The HVO also deliberately shells civilian targets in other Bosnian and Herzegovinian regions as happened, according to UNPROFOR information, on 24 January 1994 during an attack against Jablanica and Gornji Vakut alone suffered 130 grenade and bullet holes. The daily bombardment of civilian targets violates article 25 of the Hague Convention on land warfare.

9. The attacks of the Croatian HVO are aimed against civilian targets and against protected cultural buildings like the old Mostar bridge, which was destroyed on 9 November by the HVO with 65 grenades.

10. The HVO, supported by Croatia, runs in "Herzeg-Bosna" and in regions controlled by them internment camps which partly bear the mark of death camps. For some periods of time, 15,000 Muslims, Serbs and Romanies were interned there and tortured after they were expelled from their houses and robbed of their belongings in HVO mass raids. Employees of international relief organizations discovered injuries which can only originate from brutal and degrading maltreatment. Many of the prisoners examined had broken ribs and fingers. The prisoners reported torture by "dehydration" applied in the

Croatian camp of Dretelj in the summer of 1993, where the prisoners were interned in hangars, under corrugated sheets without ventilation or drinking water.

11. The HVO forces civilians to carry out highly dangerous work at the front, which has killed an unknown number of people. After the December 1993 announcement by the Croatian president Tudjman of the mobilization of the Croatian armed forces against Bosnia and Herzegovina. Croatian war refugees escaping from Bosnia and Herzegovina are increasingly forced into the army and active service in Bosnia, according to findings of the Croatian Helsinki Committee and reports by Croatian refugees to the Society for Endangered Peoples. The use of civilians for forced labour and war by the HVO violates the Fourth Geneva Convention, article 40.

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